

**CITIZENS' COMMISSION ON
JAIL VIOLENCE**

**FOURTEENTH REPORT
OF THE IMPLEMENTATION MONITOR**

RICHARD E. DROOYAN

JULY 8, 2014

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I am pleased to submit to the Board of Supervisors my Fourteenth Report regarding the implementation of the recommendations in the September 28, 2012 Report of the Citizens' Commission on Jail Violence (the "Commission") by the Los Angeles Sheriff's Department (the "Department"). This will be my final report as the Office of Inspector General ("OIG") created by this Board will now take over the external monitoring of the Department's continuing adherence to the Commission's recommendations.

BACKGROUND

Since submitting my Thirteenth Report on April 8, 2014, I met with representatives of the Department to discuss the status of the Department's implementation of the Commission's remaining recommendations. I also met with representatives of the Department and a member of the OIG to review the Department's continuing adherence to the recommendations that have been implemented by the Department. I attended a meeting with the Department, County Counsel, and the Chief Executive's Office to discuss the CEO's classification of auditor positions for the Department's Internal Monitoring, Performance Audits, and Accountability Command ("IMPAAC"). I also attended a meeting with the Department and the Board's Consultants to review the new protocols developed for the investigation and review of force incidents in Custody Operations. I reviewed the revisions to the Supervisors Use of Force Report form and the new check-list forms created to ensure that the force incidents are thoroughly investigated and appropriately reviewed, and I also reviewed the

Department's Use of Force statistics through June 30, 2013. Finally, I worked with the County Counsel's office and the Inspector General on the ordinance to create the OIG.

The status of the Department's implementation of the Commission's recommendations is again unchanged since my last Report, although the Department has made progress in staffing the IMPAAC and in developing the annual training for existing personnel by the Custody Training & Standards Bureau. Subject to the Board's authorization of funding, the Department plans to implement most of the Commission's remaining recommendations over the next two fiscal years in accordance with the Department's Proposed Budget Timeline submitted to the Board on October 1, 2013. Some of the Commission's recommendations for training (Recommendations 5.2, 5.3, 5.8, 6.1 and 6.3), supervisory (6.5), investigative (7.6), and auditing (4.12) will not be fully implemented until fiscal year 2014 or 2015, and the recommendation to upgrade the computer system (3.8) will not be implemented until 2015.

As reflected in the chart below, to date the Department has implemented 45 of the Commission's 60 recommendations directed to the Department.¹ It has partially implemented another 10 and is in the process of implementing another five.

¹ Sheriff Scott has not followed some of the Commission's recommendations pertaining to the organization of the Department that were implemented by Sheriff Baca and that I have classified as "implemented" in the chart. As noted below, these recommendations were directed at the management of the Department under Sheriff Baca and were not intended to be a blueprint for the organization of the Department under future Sheriffs.

Category	Implemented²	Partially Implemented³	In progress⁴	Total	Funding Approved⁵
Use of Force	10	0	2	12	2
Management	12	0	2	14	1
Culture	5	3	0	8	3
Personnel/ Training	5	5	0	10	3
Discipline	12	2	1	15	5
Oversight	1	0	0	1	0
Total	45	10	5	60	14

The Department has completed its assessment of the operational needs of its jail facilities (Recommendation 4.11), and has asked for additional clerical staff to handle administrative responsibilities that sworn deputies and Custody Assistants now handle. This would free up additional deputy and Custody Assistant positions for the cost of clerical staff. It is anticipated that these additional clerical positions will be in a letter that the Chief Executive's Office will be submitting to the Board for Phase 2 of the Department's budget timeline.

² "Implemented" means that the Department's implementation of the recommendation has been reviewed and approved by the Monitor, and incorporated into jail operations.

³ "Partially Implemented" means that the Department has implemented the recommendation, but some additional steps are required to complete the implementation.

⁴ "In progress" means that the Department is assessing the policy, procedural and operation needs and/or is in the process of implementing the recommendation.

⁵ "Funding Approved" refers to the approval of the Board of Supervisors on October 8, 2013, of the Department's funding request to implement additional Commission recommendations.

The Department has now obtained from the Chief Executive Officer a classification for auditor positions with the necessary skill set to conduct internal performance audits and inspections of the Department. (Recommendation 4.12.) The Department also has installed two body scanners in the Inmate Reception Center (“IRC”) and is nearing completion of the 90-day pilot program. (Recommendation 3.12). Finally, the Department is in the process of developing its annual training plans for Custody supervisors and Custody personnel that will be conducted by the Custody Training & Standards Bureau. (Recommendations 6.1, 6.3.)

Set forth below is my final report on the Department’s implementation of the Commission’s recommendations. In addition to reporting on the status of the Department’s implementation, I have noted the recommendations that should be audited and/or monitored periodically by the IMPAAC and/or the OIG to ensure continuing compliance by the Department. This guide is not intended to limit the scope of the auditing or monitoring activities of either IMPAAC or the OIG, which should independently assess the Department’s implementation of the Commission recommendations and develop their own plans to monitor and audit the Department’s continuing adherence to the Commission’s recommendations.

IMPLEMENTATION STATUS

CHAPTER 3: USE OF FORCE

On January 1, 2013, the Department promulgated a new Use of Force Policy. Pursuant to the Commission’s recommendations, the Department distributed to each Deputy Sheriff and Custody Assistant a Use of Force Manual (the “Force Manual”) containing the Department’s policies, procedures and provisions relating to the use and

reporting of force. The Department's revised Force Manual was published on July 22, 2013. It is available in electronic form and Department personnel are notified electronically whenever there is an update or revision of the Force Manual.

The Department's Use of Force policy in the revised Force Manual is based upon the standard set by the United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), and provides as follows: "Department members shall use only that force which is objectively reasonable. Unreasonable force is that force that is unnecessary or excessive given the totality of the circumstances presented to Department members *at the time* the force is applied. Unreasonable force is prohibited." Manual of Policies & Procedures, Section 3-10/030.00 (emphasis added).⁶

On August 19, 2013, the California Supreme Court broadened the definition of "unreasonable force" under California law. In *Hayes v. County of San Diego*, 57 Cal. 4th 622 (2013), the Court held that negligence liability under California law "can arise if the tactical conduct and decisions leading up to the use of deadly force show, as part of the totality of circumstances, that the use of deadly force was unreasonable." As explained by the Court, "state negligence law, which considers the totality of circumstances surrounding any use of deadly force. . . is broader than federal Fourth Amendment law, which tends to focus more narrowly on the moment when deadly force is used[.]"

The Board's Consultants and I recommended that the Department revise its Use of Force Policy to bring the Department in line with the *Hayes* standard. In particular, we recommended a change to the definition of "unreasonable force" in Section 3-10/030.00 and to the duties of supervisory personnel in reviewing and analyzing use of force

⁶ This standard did not change in the new Use of Force Policy promulgated on January 1, 2013.

incidents. The Department has now approved a revised Use of Force Policy that is consistent with the *Hayes* decision, which will be issued after the Department meets with the deputies' and Custody Assistants' unions. The Department has also issued a Training Bulletin that discusses the effect of the *Hayes* decision and reminds Department members "that their tactical conduct and decisions leading up to their use of force may be considered as part of the totality of circumstances for determining *liability for negligence* under California state law".

The following summarizes the status of the Department's implementation of each of the Commission's specific Use of Force recommendations:

3.1. LASD should promulgate a comprehensive and easy-to-understand Use of Force Policy in a single document.

Implemented

The Department's Use of Force Policy is set forth in a single, revised Force Manual that reflects (1) overall principles, including force prevention principles and an anti-harassment policy; (2) provisions providing guidance regarding use of force; (3) lists of approved weapons; and (4) requirements for the reporting of uses of force. The Manual is available electronically and Department personnel will be notified electronically whenever there is a revision to the Manual.

As noted above, the Department has approved a revision of its Use of Force Policy in light of the *Hayes* decision, which will be issued after it meets with the unions, and it has issued a Training Bulletin that discusses the impact of the decision.

IMPAAC and/or the OIG should review the Force Manual to verify that the Department has revised the Use of Force Policy.

3.2. LASD personnel should be required to formally acknowledge, in writing, that they have read and understand the Department's Use of Force Policy.

Implemented

The Department has created an Acknowledgement and Agreement Form that each Deputy Sheriff and Custody Assistant is required to sign.

IMPAAC or the OIG should audit the Department's records to verify that the required training has been conducted.

3.3. All LASD personnel should be provided training on the new Use of Force Policy.

Implemented

The Department reports that over 98% of sworn personnel have received training in the new Force Policy.

IMPAAC or the OIG should audit the Department's records to verify that the required training has been conducted.

Additional training will be provided to Department personnel through the Custody Training & Standards Bureau. (See Recommendation 5.2.). The Department has issued a training bulletin that discusses the "totality of circumstances" standard articulated by the California Supreme Court in *Hayes*. Future training on Department's Use of Force policy in both the Academy and the Custody Training & Standards Bureau should reflect the *Hayes* standard.

3.4. The Department's Use of Force Policy should reflect a commitment to the principles of the Force Prevention Policy and prohibit inmate retaliation or harassment.

Implemented

The MPP and the Custody Division Manual set forth the principles of the Force Prevention Policy, and the Custody Division Manual prohibits retaliation against, or harassment of, inmates. These sections are included in the Force Manual.

IMPAAC or the OIG should monitor the Department's practices and audit its records to verify that Department personnel are adhering to these critical policies.

3.5. LASD's Use of Force Policy should be based upon the objectively reasonable standard rather than the Situational Use of Force Options Chart.

Implemented

Sections 3-10/020.00 and 3-10/030.00 of the MPP reflect the objectively reasonable standard, and references to the Situational Use of Force have been deleted in the revised Force Manual. Pursuant to the Consultants' recommendation, Section 3-02/035.05 of the Custody Division Manual includes references to the factors set forth by the United States Supreme Court in *Hudson v. McMillan*, 503 U.S. 1 (1992) relating to the use of force in a custody setting.

3.6. The Use of Force Policy should articulate a strong preference for planned, supervised, and directed force.

Implemented

The Force Prevention Policy set forth in the MPP and the Custody Division Manual generally reflects a preference for planned, supervised, and directed force. In addition, the Department has added Section 3.02/035.10 to the Custody Division Manual, which reads as follows: "When force is required, every effort shall be made to plan,

supervise, and direct force in an effort to control confrontations in a calm and professional manner.”

3.7. The Use of Force Policy should account for the special needs populations in the jails.

Implemented

The Department has added Section 3-02/035.15 to the Custody Division Manual, which reads as follows: “If a situation arises involving a special needs inmate, the appropriate mental health staff should be consulted, whenever possible, prior to the planned use of force.” In addition, there are provisions in the Force Manual relating to pregnant inmates and the Jail Mental Evaluation Team that further implement this recommendation.

IMPAAC or the OIG should monitor the Department’s practices and audit its records to verify that Department personnel are adhering to these critical policies.

3.8. PPI and FAST should be replaced with a single, reliable, and comprehensive data tracking system.

In progress (funding approved)

On October 8, 2013, the Board approved \$1.4 million (of the \$3.4 million requested by the Department) for the initial funding in fiscal year 2013-14 of the Department’s proposed Information System Overall over a three year-period. The Department reports that it is on track to complete the upgrade by the December 2016 target date.

3.9. Inmate grievances should be tracked in PPI by the names of LASD personnel.

Implemented

The Department has been using a new module in PPI to track inmate grievances in PPI by the name of the Deputy Sheriff or Custody Assistant since October 27, 2013. The Department is still using the FAST database for inmate complaints prior to that date and is in the process of manually transferring prior complaints (going back five years) from FAST to PPI. The Department now anticipates that it will complete the manual transfer by December 2014.

IMPAAC or the OIG should verify the Department's completion of manual transfer of the inmate grievances to PPI.

3.10. LASD should analyze inmate grievances regarding the use of force incidents.

Implemented

The Department has a Risk Management Lieutenant in the Custody Training & Standards Bureau who analyzes inmate grievances about the use of force at the Custody Operations level. The Department also has an Inmate Grievance Coordinator who is supposed to analyze all inmate grievances at the Operations level. (See Recommendation 7.14.) The Department has now assigned a Compliance Lieutenant to each of the jail facilities (with one to North and South) to, among other things, “review and analyze inmate grievances” at the Unit level and “identify potential at-risk employees as it relates to force, conduct, and inmate grievances.”

IMPAAC or the OIG should verify that inmate grievances are being analyzed by the Risk Management Lieutenant, the Inmate Grievance Coordinator, and the Compliance Lieutenants.

3.11. Statistical data regarding use of force incidents needs to be vigilantly tracked and analyzed in real time by the highest levels of LASD management.

Implemented

At the beginning of last year, Department personnel provided me with daily and monthly statistical reports and monthly force analysis used by Department managers to track and analyze use of force incidents in the jails. I have reconfirmed with senior management their continued use of these reports to track and analyze force incidents and force trends, often on a daily basis. Senior managers get daily force briefings and look at videotapes of incidents to proactively identify issues and trends, and critically evaluate policies and procedures.

IMPAAC or the OIG should periodically verify that Senior Management is vigilantly and timely tracking and analyzing use of force incidents in the jails.

3.12. Department should purchase additional body scanners.

In progress

Although funding for the scanners was approved by the Board in 2012, and the Department initially reported a June 1, 2013 “target” date for implementation of this recommendation, the purchase and installation of the scanners has been repeatedly delayed. The Department now plans to install the scanners in three phases. In phase one, the Department installed two body scanners in IRC, confirmed that “the scanners are working as specified in the contract,” and started a 90-day pilot program to “review,” among other things, “inmate flow,” “user station placement and staffing issues.” The Department is also in the process of ordering at least one additional scanner (and possibly two) for Century Regional Detention Facility (“CRDF”), the women’s facility, during the pilot program.

In phase two, two additional scanners will be installed at IRC and two at Men's Central Jail ("MCJ"). During that period, the Department will "assess the need for additional scanners at MCJ [and CRDF.]" Phase three will involve the installation of scanners at Twin Towers, NCCF, North and South. The number of additional machines will be determined at a later date based upon the Department's experience in the first two phases of the roll-out.

On February 6, 2014, I observed a demonstration of one of the body scanners at IRC. It appears that the body scanners will be a significant enhancement to security in the jail facilities. The Department began the 90-day pilot program on April 21, 2014, and report that it is working as expected with few glitches. The Department will prepare a written report after the pilot program is completed later this month. Going forward, however, the Department anticipates that there will be staffing issues that will impact how many additional scanners can be deployed and how soon they can be deployed.

IMPAAC or the OIG should review the Department's plans for the installation of additional body scanners in the jails and the actual installation of the scanners and should periodically report to the Board on the Department's progress in implementing this recommendation.

CHAPTER 4: MANAGEMENT

Sheriff Baca extensively reorganized the management of the Department with the four Assistant Sheriffs for Custody Operations, Patrol Operations, Countywide Services, and Administration & Professional Standards reporting directly to him. In addition, Sheriff Baca appointed a Chief of Staff and a Chief of a new Internal Investigations Division, who also reported directly to him.

Sheriff Scott has now reorganized the Department so that the four Assistant Sheriffs report to the Sheriff through the Executive Officer, who reports to the Sheriff. The Chief of Staff, the Legal Advisory Unit, and IMPAAC report directly to the Sheriff, while the Professional Standards Division, ICIB, and the Sheriff's Headquarters Bureau report to the Executive Officer.⁷

Sheriff Baca appointed Terri McDonald, who had extensive corrections experience, to be the Assistant Sheriff responsible for the Department's Custody Operations. She has reorganized the Custody Division into a Custody Services Division – General Population and a Custody Services Division – Specialized Programs under Chiefs who report directly to her. The Administrative Commander who has been responsible for the implementation of the Commission's recommendations also reports directly to the Assistant Sheriff for Custody Operations.

The four high level managers who directly or indirectly had supervision over the jails during the periods reviewed by the Commission have now all left the Department and there is an entirely new team running Custody Operations.

The Department is in the process of establishing IMPAAC, its internal audit and inspections unit. The Department has assigned a commander and a captain to the Command and filled 21 of the 23 authorized positions, including all sworn staff.

The Department has now filled the Auditor Consultant position and has obtained from the Chief Executive Officer a classification for the auditor positions that will require the necessary skill sets to conduct audits and inspections of a law enforcement agency.

⁷ The reorganizations of the senior management and of the Internal Investigations Division are discussed in more detail below. (See Recommendations 4.6 and 7.5.)

Set forth below are summaries of the Department's implementation of each of the Commission's Management recommendations.

4.1. The Sheriff must be personally engaged in oversight of the jails.

Implemented

With the formation of the Commander Management Task Force in October 2011, Sheriff Baca personally directed the reform of the jails. Sheriff Scott has assured me that he has been engaged in the oversight of the jails through regular communications with the Assistant Sheriff for Custody Operations. He regularly meets with all of his Assistant Sheriffs on Monday mornings and with his Assistant Sheriffs and Chiefs in the Executive Planning Council meetings on Wednesday mornings. Both Sheriff Scott and Assistant Sheriff McDonald also advised me that they talk by telephone several times a week.

In the Department's FY 2014/15 budget, the Board approved the Sheriff's request for funding for two Senior Deputy Counsel positions, which would be filled by two of the attorneys from the Office of Independent Review (OIR), one for patrol and one for custody. The attorneys would serve as Constitutional policing advisors to the Sheriff. Sheriff Scott envisions that these attorneys will provide proactive (and privileged) assessments that will allow for a "real time fix" when necessary.

The OIG should periodically meet with the Sheriff to discuss his engagement in the oversight of Custody Operations.

4.2. The Sheriff must hold his high level managers accountable for failing to address use of force problems in the jails.

Implemented

Based upon Sheriff Baca's management changes (both in terms of structure and personnel), the results of the Administrative Investigations, and the timing of the

retirements of the four managers who had oversight responsibility over the jails, it is generally perceived in the Department that these managers retired due, at least in part, to their failures to address adequately the use of force problems in the jails. At this point, there is nothing further for the Department to do to hold these managers accountable.

4.3. The Undersheriff should have no responsibility for Custody operations or the disciplinary system.

Implemented

In January 2013, Sheriff Baca issued “Sheriff’s Bulletin #593” entitled “Executive Reporting Procedures” to implement this recommendation. Under Sheriff Baca’s reorganization, the Assistant Sheriff for Custody Operations reported directly to the Sheriff, and IAB and ICIB reported to the Sheriff through the Chief of the Internal Investigations Division. Further, the Undersheriff retired on August 1, 2013.

As noted above, Sheriff Scott has now reorganized the Department and appointed an Executive Officer who has some of the same duties as an Undersheriff. In addition, the four Assistant Sheriffs, the Chief of the Professional Standards Division (formerly the Internal Investigations Division), which includes the Internal Affairs Bureau (IAB), and the Captain of the Internal Criminal Investigations Bureau (ICIB) now report to the Executive Officer, not the Sheriff.

It was not the Commission’s intention to recommend a specific management structure for the Department or Custody Operations, and a new Sheriff may reasonably conclude that he or she wants to have an Undersheriff as part of the management team. It is essential, however, that the Department continue to have an Assistant Sheriff for Custody Operations with a background and expertise in corrections and whose sole responsibility is the management and oversight of the jails. It is also imperative that the

Assistant Sheriff for Custody Operations have direct access to the Sheriff and that the Sheriff remain personally engaged in overseeing the Department's operation of the jails. (See Recommendations 4.4, 4.5 and 4.6.)

4.4. The Department should create a new Assistant Sheriff for Custody position whose sole responsibility would be the management and oversight of the jails.

Implemented

Sheriff Baca appointed Terri McDonald to be the Assistant Sheriff for Custody Operations. She assumed her duties on March 18, 2013. Effective July 1, 2013, she reorganized the Custody Division into two Custody Services Divisions, one for General Population and one for Specialized Programs. Each of the Divisions is headed by a Chief who reports directly to the Assistant Sheriff for Custody Operations. By having an Assistant Sheriff focused only on Custody Operations housed in close proximity to her executive team, there is greater communication and more focus on proactively identifying issues in the jail facilities and ensuring the necessary follow-up to resolve these issues. The Assistant Sheriff meets weekly with the Chief and Commanders in Custody Operations and the Chiefs, in turn, meet weekly with the Commanders, Captain and Operations Lieutenants. At the request of the Assistant Sheriff for Custody Operations, Sheriff Baca promoted or transferred a number of supervisors and commanders in Custody Operations to ensure that the most capable managers are running the Department's jail facilities. The Assistant Sheriff for Custody Operation is proactively managing the Department's operations of the County's jail facilities.

As noted in my earlier reports, the Assistant Sheriff for Custody Operations asked the Board's Consultants to evaluate the investigation and administrative reviews of force incidents in the jails "to assess whether there are specific areas where supervisory

management accountability should be improved.” The Consultants worked with the Custody Training & Standard Bureau to develop protocols for Custody Operations that encompass pre-force tactics, the application of force, and the post-review of force under the standards set forth by the United States Supreme Court in *Graham v. Connor* and *Hudson v. McMillan*, and the California Supreme Court in *Hayes v. County of San Diego*. These new protocols set standards and establish expectations for what will be addressed in these investigations as well as what will be examined in the post-incident review process. The responsibilities of supervisors and managers are fixed and expectations clarified for everyone involved in this process – from the investigating supervisor through the command staff responsible for conducting the final review. The Department also has developed check-list forms for the Supervisor’s Report on Use of Force and the Use of Force reviews by the Watch Commander, Unit Commander, and Commander. The protocols have been reviewed and approved by senior management in Custody Operations, which has recommend that they be adopted Department-wide.

IMPAAC or the OIG should monitor Custody Operation’s adherence to the protocols and use of the check-list forms.

4.5. The Sheriff should appoint as the new Assistant Sheriff for Custody an individual with experience in managing a large corrections facility or running a corrections department.

Implemented

Sheriff Baca appointed an Assistant Sheriff for Custody Operations who has extensive experience in running a corrections department. Assistant Sheriff Terri McDonald has been a hands-on manager who has a detailed knowledge of the

Department's Custody Operations, holds Captains and Commanders accountable for the operations of the County jails, and is firmly in charge of Custody Operations.

4.6. The Assistant Sheriff for Custody should report directly to the Sheriff.

Implemented

"Sheriff's Bulletin #593" entitled "Executive Reporting Procedures" issued by Sheriff Baca in response to the Commission's recommendations provides that each of the Assistant Sheriffs, including the Assistant Sheriff for Custody Operations, reports directly to the Sheriff. Sheriff Scott's reorganization of the Department has the four Assistant Sheriffs reporting to him through the Executive Officer. As noted above, the Commission's recommendations reflected flaws in the management of the Department under Sheriff Baca and his Undersheriff, and they were not intended as a blueprint for the organization of the Department under future Sheriffs. It is essential, however, that the Assistant Sheriff for Custody Operations continue to have direct access to the Sheriff, that he holds her directly accountable for management Custody Operations and running the Department's jail facilities, and that he remains engaged in the oversight of the Department's Custody Operations.

4.7. The Commander Management Task Force should not be a permanent part of Custody management.

Implemented

The Sheriff's Bulletin #593 and Sheriff Scott's new organization chart do not include a role for the Commander Management Task Force in Custody management.

4.8. The Sheriff must regularly and vigilantly monitor the Department's Use of Force in the jails.

Implemented

Since at least the formation of the Commander Management Task Force in October 2011, Sheriff Baca monitored the level of force in the jails and was engaged in oversight of the jails through regular communications with the new Assistant Sheriff for Custody Operations. Sheriff Scott has extensive experience in the oversight and management of Custody operations both as the Undersheriff in the Orange County Sheriff's Department and as a Chief in the Los Angeles County Sheriff's Department. The Department provides Sheriff Scott with a weekly update of its use of force statistics in Custody Operations. He advised me that he reviews these statistics weekly and regularly meets or talks with the Assistant Sheriff for Custody Operations, who looks at the force statistics daily

As noted above, the OIG should periodically meet with the Sheriff to discuss his engagement in the oversight of Custody Operations.

4.9. The Department should implement SCIF [the Sheriff's Critical Incident Forum] on the Custody side to improve the accountability of jail supervisors.

Implemented

This recommendation has been implemented pursuant to a Custody Division Directive, dated December 13, 2012, issued by the then Chief of the Custody Division. A Custody Division SCIF took place on February 12, 2013, to review statistics relating to Custody Operations. The next SCIF for Custody Operations took place on February 20, 2014, which I attended at the Twin Towers Correctional Facility. Pursuant to Assistant Sheriff McDonald's decision to hold a SCIF each quarter, the next SCIF was held on May 22, 2014, at the Twin Towers Correctional Facility. The Inspector General and I both attended the May 22 SCIF.

Once again, virtually the entire leadership team from lieutenants up to Commanders and Chiefs attended the May 22 SCIF, which was chaired by Assistant Sheriff McDonald. The SCIF was a thorough and comprehensive review of all aspects of Custody Operations in the first quarter of 2014, including force incidents (by units, nature of force, mental health); reviews and investigations of force incidents and the status of force packages; Internal Affairs and Custody Force Response Team roll-outs; inmate assaults (on staff or inmates), suicides (attempts, methods, units), and complaints (by unit, nature of complaints; source); audits of rotations by deputies; town hall meetings with inmates; and Education-Based Incarceration.

The OIG should continue to attend the quarterly SCIFs in Custody Operations.

4.10. Senior management needs to be more visible and engaged in Custody.

Implemented

The Department has amended the job descriptions in the Custody Division Manual so that they now require the Assistant Sheriff - Custody Division, the Custody Division Chiefs, the Area Commanders, and the Jail Captains to “maintain a visible presence within the [assigned] jail facilities to help ensure proper adherence to policy and the application of the Department’s Core Values.” The Assistant Sheriff for Custody Operations advised me that she and her Division Chiefs and Commanders regularly walk through the jail facilities. Similarly, the Chiefs have advised me that they regularly walk through the facilities and set their expectations for their Unit Commanders to know their facilities and inmate populations, which require them to maintain a visible presence in their facilities.

The OIG should periodically meet with the Assistant Sheriff, Chiefs, and Commanders to confirm that they are maintaining a visible presence in the jails.

4.11. Management should be assigned and allocated based on the unique size and needs of each facility.

In progress (funding request anticipated)

The Department has analyzed the operations staff of each of the jail facilities and completed a Custody Division Staff Assessment (Proposed) that would reassign 10 Deputy Sheriffs and nine Custody Assistants and replace them with clerical staff (Operations Assistant I, Senior Typist Clerk and Intermediate Typist Clerk). The Chief Executive's Office anticipates that the Board Letter for Phase 2 will recommend funding for these 19 positions.

4.12. LASD should create an Internal Audit and Inspection Division.

In progress (funding approved)

On October 8, 2013, the Board approved the Department's funding request for the creation of what is now called IMPAAC, to be phased in over a three-year period. Sheriff Scott has expanded the scope of IMPAAC to coordinate and provide standardized reports for crime management forums as well as risk management forums. With respect to risk management, IMPAAC will receive information about claims and lawsuits from the Department's Risk Management Bureau and liaison with designated risk officers in each bureau.

Sheriff Scott recently assigned a new Commander to oversee IMPAAC along with the captain previously assigned by Sheriff Baca. The Department has now assigned 21 out of 23 sworn personnel and professional staff to the Command, which includes all of the authorized sworn personnel for phase one. The Department also has retained an

Auditor Consultant, to assist in developing protocols for the non-sworn auditors who will be hired for IMPAAC.

The Department has now obtained from the Chief Executive Officer a classification for the non-sworn auditor position that will ensure that the auditors will have the necessary skill sets to audit and inspect the operations of a law enforcement agency. This is the initial step in an extended process to get the auditors on board. The IMPAAC Unit Commander is working with the Department's Personnel Unit to develop the new auditor classification and specifications. The Department will then post the job bulletin, review applications, administer examinations, and post a qualified list before hiring the outside auditors. The Department anticipates that it will take approximately nine to twelve months to complete this process.

The OIG should monitor the Department's progress in hiring auditors and adding additional sworn personnel as contemplated in the Department's budget timeline.

4.13. The Department should have a formal policy to address campaign contributions.

Implemented

On January 31, 2013, the Department issued revised Section 3-01/070.05 (Political Activity) and Section 3-01/070.07 (Prohibited Political Activity and Other Conflicts of Interest) of the MPP.

4.14. LASD should participate in collaborations such as the Large Jail Network that would enable it to learn about best practices and approaches in other systems.

Implemented

The Department has joined the Large Jail Network. Members of the Custody Division attended the American Jail Association National Training Conference in May

2013 and the Southern California Jail Managers earlier this year. One of the Chiefs attended the Large Jail Network conference in September 2013 and several managers attended the statewide realignment conference in October 2013. In addition, the Assistant Sheriff for Custody Operations, one of the Chiefs, and one of the Commanders attended the American Correctional Association conference earlier this year.

CHAPTER 5: CULTURE

As noted in my earlier reports, under Sheriff Baca, the Department emphasized respect for and communications with inmates through the Force Prevention Policy, the Education Based Incarceration program, and Town Hall meetings. It enhanced the training of new Custody Division personnel in the principles of the Force Prevention Policy, ethics, and destructive cliques, and it is now in the process of developing plans in the Custody Training & Standards Bureau to provide additional training to current Custody deputies and Custody Assistants. It also established a Dual Track Career Path to provide deputies with an opportunity for a career in Custody Operations. It has administered sergeant examinations to deputies in Custody as well as Patrol and promoted several deputies in Custody to be sergeants in Custody. The Department has also enhanced the disciplinary guidelines for dishonesty to further address the culture problems identified by the Commission. Finally, each facility has developed a rotation policy taking into consideration its size, configuration, and inmate population.

Set forth below are summaries of the Department's implementation of each of the Commission's recommendations regarding the culture in Custody Operations.

5.1. The Department must continue to implement reforms that emphasize respect for, engagement of, and communications with inmates.

Implemented

Based upon my meetings with Sheriff Baca, Sheriff Scott, and Assistant Sheriff McDonald; my conversations with members of the Command staff and Unit Commanders; my review of policies, directives, and reports; my tours of jail facilities; and input from the Consultants and outside observers, it is apparent that the Department is committed to implementing the reforms recommended by the Commission, enhancing respect for and communications with inmates, and changing the culture in the Custody Division. In the Commanders' meeting I attended, the Chiefs of the Custody Divisions emphasized the Education Based Incarceration program and Force Prevention Principles. In the recent SCIFs, the management of Custody Operations reviewed the statistics on both Town Hall meetings and Education Based Incarceration attendance in 2013 and in the first quarter of 2014. The changes in the culture are reflected in the principles set forth in the Force Prevention Policy, the Anti-harassment Policy, the Education Based Incarceration program, the numerous Town Hall meetings with inmates, the Department's responses to inmate grievances, and its progress in implementing the Commission's recommendations.

The OIG should monitor the Department's continued adherence to this

Recommendation.

5.2. The Department's Force Prevention Policy should be stressed in Academy training and reiterated in continuing Custody Division training.

Partially implemented (funding approved)

This recommendation has been implemented for new deputies, and 98% of the existing staff has received training in the Use of Force Policy promulgated at the beginning of last year, which incorporates the Force Prevention Principles. Further, the Department has rolled out an eight-hour block of force/ethics training for all existing custody personnel and as part of the Jail Operations training for new deputies. Additional training in the Force Prevention Policy will be a regular part of the annual training curriculum that is being developed by the Custody Training & Standards Bureau.

The OIG should monitor the Department's force training for new and existing staff.

5.3. The Department should enhance its ethics training and guidance in the Academy as well as in continuing Custody Division training.

Partially implemented (funding approved)

Academy training covers "Department Ethics and Standards," including "Core Values" and "Critical Decision Making" and the Jail Operations Continuum covers "Valued Communications" and "Value Based Decision Making." The Department has rolled out an eight-hour block of force/ethics training for all existing custody personnel and as part of the Jail Operations training for new deputies. Ethics training for the existing staff also will be part of the Custody Training & Standards Bureau annual training plan.

The OIG should monitor the Department's ethics training for new and existing staff.

5.4. The Department must make Custody a valued and respected assignment and career.

Implemented

Sheriff's Bulletin #594, dated February 1, 2013, announced that the Department has established a Dual Track Career Path that allows new recruits to select a career in Custody and allows Deputy Sheriffs currently assigned to Custody to remain in Custody assignments. It also allows Deputy Sheriffs and supervisors to promote up to the position of Chief of Custody without going out to a patrol assignment. Under the Dual Track Career Path program, custody personnel are eligible to take, and are taking, the sergeant and lieutenant exams currently being administered by the Department. One of the senior leaders in Custody Operations advised me that "quality personnel are being asked to come to custody." The Department recently promoted another group of deputies in Custody Operations to be sergeants in Custody. The next Lieutenant written examination under the dual track program is scheduled for August 2, 2014 with oral interviews in October 2014.

The OIG should monitor the Department's promotion of custody personnel under the Dual Track Career Path.

5.5. Senior leaders must be more visible in the jails.

Implemented

The Department has amended the job descriptions in the Custody Division Manual so that they now require the Assistant Sheriff - Custody Division, the Custody Division Chief, the Area Commanders, and the Jail Captains to "maintain a visible presence within the [assigned] jail facilities to help ensure proper adherence to policy and the application of the Department's Core Values." Further, Sheriff Scott has emphasized

“management by walking around” in conversations with his Assistant Sheriffs and Chiefs. (See Recommendation 4.11 above.)

The OIG should periodically meet with the Assistant Sheriff, Chiefs, and Commanders to confirm that they are maintaining a visible presence in the jails.

5.6. LASD must have a firm policy and practice of zero tolerance for acts of dishonesty that is clearly communicated and enforced.

Implemented

New disciplinary guidelines were published on February 17, 2013, that enhance the penalties for dishonesty.

IMPAAC or the OIG should audit the Department’s disciplinary records to ensure that the Department is adhering to the new disciplinary guidelines.

5.7. The Department should have a sensible rotation policy to protect against the development of troubling cliques.

Implemented

Each of the Unit Commanders issued a unit directive rotating deputies among job assignments in each facility. The Department has conducted audits to ensure compliance with the rotation policies, and it reports the following percentages of compliance: IRC (100%), NCCF (100%), MCJ (100%), CRDF (99.7%), TTCF (94.2%), North (100%), and South (100%).

IMPAAC or the OIG should continue to audit the Department’s records to ensure that the Department is continuing to rotate deputies in compliance with the unit rotation policies. .

5.8. LASD should discourage participation in destructive cliques.

Partially implemented (funding approved)

The subject of destructive cliques is covered for new Deputy Sheriffs in the Jail Operations Continuum. Additional training will be provided to other Custody personnel through the Custody Training & Standards Bureau. Further, each of the jail facilities has a rotation policy that is intended to discourage participation in destructive cliques. Finally, the Department fired a number of deputies last year for participating in such a clique.

CHAPTER 6: PERSONNEL AND TRAINING

The Board has now approved the initial funding for the creation of a Custody Training & Standards Bureau that will develop a robust post-Academy training program for both new and existing Custody personnel. The Department has assigned all of the newly authorized sworn personnel to the Bureau.

The Board also approved funding for 44 new supervisors in fiscal year 2013-14. The Department filled the 42 newly authorized sergeant positions by permanently assigning to MCJ 19 supervisors previously on loan to the facility, assigning 16 newly-promoted sergeants (including several from Custody) to other jail facilities, and using overtime to staff the additional seven positions. It also assigned two additional lieutenants to Custody Operations.

The Department also has frozen Deputy Sheriff positions to increase the ratio of Custody Assistants to Deputy Sheriffs to achieve the agreed upon 65/35 percent ratio. The Department conducted an analysis of what other Deputy Sheriff positions may be handled by Custody Assistants, and it concluded that only a limited number of additional

positions may be handled by Custody Assistants without impairing the safety and security of the jail facilities. Sheriff Scott has indicated that he does not want to change the 65/35 ratio.

The Department's implementation of the Commission's specific Personnel and Training recommendations are set forth below.

6.1. The Department should review and revise its personnel and training procedures to reflect Custody's status as a valued and important part of the Department.

Partially Implemented (funding approved)

The Dual Track Career Path was established on February 1, 2013. In addition, the Department has expanded its Custody training through the Jail Operations Continuum, and has created a Custody Training & Standards Bureau, and is in the process of developing an annual training plan for deputies and Custody Assistants.

The OIG should review periodically the Department's Jail Operations Continuum training and the Custody Training & Standards Bureau annual training plan. IMPAAC or the OIG should conduct audits to ensure that new deputies attend the Jail Operations Continuum training and that all supervisors, deputies and Custody Assistants attend the training course mandated by the annual training plan.

6.2. The Department should develop and implement a long-range and steady hiring plan based upon normal attrition.

Implemented

A Sworn Vacancy Projection submitted by Personnel Administration to the Commander Management Task Force on October 2, 2012, reflects "a strategic plan to consistently hire deputies through 2017" to fill vacancies and hire additional deputies based upon normal attrition. A Sworn Hiring Projection submitted by Personnel

Administration on November 6, 2013, reflects 352 Academy graduates in 2013 (slightly more than the October 2012 projection of 320 graduates). Personnel Administration anticipates that it will “continue scheduling five academy classes a year with approximately 80 recruits per class, yielding approximately 320 new hires each year,” which are “contingent on the Department’s reduction, expansion, internal and external budgetary and fiscal considerations.”

The OIG should periodically review and compare the Department’s attrition, hiring, and long-range hiring plans.

6.3. Deputies and supervisors should receive significantly more Custody specific training overseen by the Department’s Leadership & Training Division.

Partially implemented (funding approved)

The Department has implemented this recommendation for new deputies and plans to enhance significantly the training of Custody personnel through the new Custody Training & Standards Bureau. On October 8, 2013, the Board approved funding in this fiscal year for 19 of the new positions for the Custody Training & Standards Bureau in fiscal year 2013-14 in addition to 24 existing positions already assigned to the bureau. The Department has now assigned all of the newly authorized sworn personnel.

With the assistance of the Board’s Consultants, the Custody Training & Standards Bureau has developed an initial one-time, eight-hour Use of Force and ethics block of training for everyone in Custody Operations. The Bureau also worked with the Mental Health Department to develop a course that has been taught since the beginning of the year for dealing with mentally ill inmates and that will be part of the annual 24 hour block of training for deputies in Custody Operations. The Custody Training & Standards

Bureau is in the process of developing an annual training plan for supervisors and for existing personnel that will also include a Force Refresher (practical application).

The OIG should review periodically the Department's Jail Operations Continuum training and the annual training plan. The OIG or IMPAAC should conduct audits to ensure that new deputies attend the Jail Operations Continuum training and that all supervisors, deputies and Custody Assistants attend the training course mandated by the annual training plan.

6.4. There should be a meaningful probationary period for new deputies in Custody.

Implemented

Effective January 11, 2013, Custody Division Directive 12-005 provides that “at the completion of the employee’s sixth month” of employment, the shift Lieutenant will be conducting “a thorough inquiry of the employee’s personnel performance.”

Thereafter, “three or four weeks prior to the employee’s one year anniversary the Unit Commander or designee shall conduct another personnel performance review and schedule a face to face meeting.” Before an employee can complete probation, the Unit Commander is supposed to “draft a memorandum to memorialize the employee’s successful completion of the probationary period.”

The OIG or IMPAAC should audit the Department's personnel records to ensure that the Department is conducting the required performance reviews and memorializing employees' successful completion of the probationary period.

6.5. The number of supervisors to deputies should be increased and the administrative burdens on Custody supervisors should be minimized.

Partially implemented (funding requested)

On October 8, 2013, the Board approved the funding for 44 positions in this fiscal year out of the 91 positions requested by the Department over a two-year period. The Department has assigned all 42 additional sergeants and two additional lieutenants to Custody Operations.

With respect to the 47 sergeant positions that are supposed to come on line in the next fiscal year, once funding is authorized by the Board, the Department anticipates filling 24 of the positions on July 1 and the remaining 23 positions in December 2014.

The OIG should confirm that the Department has filled all of the required positions by December 2014.

6.6. The Department should allow deputies to have a career in Custody and take steps in the interim to decrease the length of new deputy assignments to Custody.

Implemented

The Dual Track Career Path established on February 1, 2013, allows deputies to have a career in Custody and to promote from within Custody Operations. Custody deputies were eligible for the sergeant examination recently administered by the Department and custody deputies have been promoted to sergeants in Custody Operations in the last two rounds of promotions. The examinations for lieutenant positions will be conducted next month and in October 2014.

6.7. The Department should utilize more Custody Assistants.

Partially implemented

After determining that the ratio of Deputy Sheriff/Custody Assistant positions exceeded the 65/35 ratio provided in the Memorandum of Understandings with the Deputy Sheriffs' union and the Custody Assistants' union, the Department froze 81

identified Deputy Sheriff positions and achieved the 65/35 percent ratio. The Department has completed an analysis of deputy positions to determine the feasibility of moving beyond the 65/35 percent ratio and concluded that only a limited number of additional deputy positions can be handled by Custody Assistants without impairing the safety and security of the jail facilities. Any change in the 65/35 percent ratio is likely going to require a more detailed analysis and would be subject to “meet and confer” obligations with the unions. Sheriff Scott has decided not to seek a change in the 65/35 ratio.

OIG should monitor/audit the Department’s staffing records to ensure that the Department maintains at least the 65/35 ratio.

6.8. Rotations within and among proximate facilities should be implemented.

Implemented (within facilities)

As discussed above (see Recommendation 5.7), the Department has implemented rotation policies in each of the facilities and audited compliance with those policies. It reports that it was not able to implement a voluntary rotation among the north county facilities, and that it would need the agreement of the deputies’ union to implement rotations among the facilities, which the union adamantly opposes. Further, it reports that it has decided not to rotate newly assigned deputy sheriffs at the beginning of their fourth month of training to “a proximate facility” in the south or in the Pitchess Detention Center in the north.

The OIG or IMPAAC should continue to audit the Department’s records to ensure that the Department is continuing to rotate deputies in compliance with the unit rotation policies.

6.9. The Department’s Mission Statement should be changed to reflect the importance of Custody.

Implemented

6.10. The Department should create a separate Custody Division with a professional workforce.

In progress

This is a long-term goal that the Department has begun to address. Sheriff Baca selected a new Assistant Sheriff for Custody Operations and implemented the Dual Track Career Path on February 1, 2013. Establishing a Custody Training & Standards Bureau and increasing the ratio of Custody Assistants to Deputy Sheriffs will further implement this recommendation, but given the number of deputies who are hired each year, it will take several years before the Custody Division could be staffed exclusively with new deputies who want careers in Custody so that new deputies who want careers in patrol can go directly to patrol.

CHAPTER 7: DISCIPLINE

The Department has revamped its investigative and disciplinary system to assign all Administrative Investigations of Category 1 force incidents to the new Compliance Lieutenants and the Administrative Investigations of Category 2 force incidents in Custody Operations to the Internal Affairs Bureau (“IAB”).

Under Sheriff Scott’s reorganization, IAB is in a newly named Professional Standards Division under a Chief, but ICIB is a separate standalone bureau under a Captain. The Chief of the Division and the Captain in charge of ICIB both report directly to the Executive Officer. The Department also has enhanced the discipline for dishonesty and excessive force, and the Custody Force Review Committee is rigorously reviewing

Use of Force Packages. In addition, the Force Manual has now been revised to clarify the policies with respect to the review of videotaped footage and the separation of deputies involved in force incidents.

The Department has now assigned the six Compliance Lieutenants to the facilities, all of the newly authorized positions to the Professional Standards Division, and most of the newly authorized sworn positions to IAB and ICIB. It has also assigned an Inmate Grievance Coordinator to help oversee the inmate grievance process.

Set forth below are summaries of the Department's implementation of each of the Commission's Discipline recommendations.

7.1. The investigative and disciplinary system should be revamped.

Implemented

Under the revamped investigative system, Compliance Lieutenants are now conducting all Administrative Investigations of Category 1 force incidents (*See* Recommendation 7.8), and IAB is conducting all Administrative Investigations of Category 2 force incidents.⁸ Most of the newly authorized sworn positions have now been assigned to IAB and ICIB.

The OIG or IMPAAC should audit the Department's Administrative Investigations of Category I force incidents to ensure that they are being conducted by the Compliance Lieutenants.

⁸ These changes only apply to Custody Operations. Compliance Lieutenants are only in Custody Operations and Non-Custody Category 2 force incidents may be investigated by the concerned unit or by IAB.

7.2. The CFRC [Custody Force Review Committee] should monitor Force Packages for trends and concerns and the performance of supervisors.

Implemented

One of the Consultants attended two CFRC meetings and he was “impressed with the manner in which candid and direct examinations of Captains, Lieutenants, and Sergeants [who were] responsible for [the] force incidents takes place.” He further reported that “[i]n my experience, the establishment of standard and expectations by the executive management is the first step in changing a culture. The CFRC is clearly a big part of that proposition as it pertains to the use of force in the jails.” I attended a CFRC meeting on March 13, 2013, and also was impressed with CFRC’s reviews.

OIG should periodically attend CFRC meetings to assess the quality of its reviews.

7.3. Deputies should be required to provide a timely written report of force incidents and not be allowed to review videotape footage prior to the completion of that report or any interviews.

Implemented

The revised Force Manual (Sections 3-10/100.00 and 3-10/115.00 of the MPP) sets forth these requirements.

7.4. Deputies involved in Significant Force incidents should be separated and not permitted to talk to each other until they have provided a written statement or have been interviewed by investigators.

Implemented

The revised Force Manual (Section 3-10/110.00 of the MPP) sets forth this requirement.

OIG should roll-out to significant force incidents and confirm that the Department adheres to these policies in the investigation of these incidents.

7.5. IAB and ICIB should be part of an Investigation Division under a Chief who would report directly to the Sheriff.

Implemented

Under Sheriff Baca, the Department implemented this recommendation on March 1, 2013, effective March 3, 2013. Sheriff Scott has reorganized the Department's internal investigations so that IAB remains in the renamed Professional Standards Division under a Chief who reports to the Department's Executive Officer, and ICIB is a standalone bureau under a Captain who also reports to the Executive Officer. Although the reorganization is somewhat different from what the Commission recommended, it is consistent with the Commission's recommendations, which reflected concerns that investigations by both IAB and ICIB should be vetted by a senior leader in the Department before being reviewed by the Sheriff and that the then Undersheriff should have no role in the investigative and disciplinary process.

7.6. IAB should be appropriately valued and staffed by personnel that can effectively carry out the sensitive and important work of that bureau.

Partially implemented (funding approved)

The Department has provided information showing that IAB investigators have often been promoted from IAB. Newly authorized sworn positions have been assigned to IAB and ICIB in accordance with the Department's Proposed Implementation Budget Timeframe, which anticipates additional positions recommended by the Board's Consultants will be phased in over the next two fiscal years.

7.7. The Disciplinary Guidelines should be revised to establish increased penalties for excessive force and dishonesty.

Implemented

The Department has implemented this recommendation by enhancing discipline for excessive force and dishonesty.

The OIG or IMPAAC should audit the Department's disciplinary records to verify that the Department is adhering to the enhanced discipline guidelines for excessive force and dishonesty.

7.8. Each jail should have a Risk Manager to track and monitor use of force investigations.

Implemented

On October 8, 2013, the Board approved the funding for six Compliance Lieutenant positions that have now been assigned to the jail facilities (one for the North and South facilities and one for each of the other facilities). These Lieutenants will conduct Administrative Investigations of Category 1 Force Incidents, analyze inmate grievances regarding force in each facility, and monitor and track force investigations at the unit level.

The OIG or IMPAAC should meet with the Compliance Lieutenants and confirm that they are conducting Administrative investigations, analyzing inmate grievances, and tracking force investigations.

7.9. Force investigations should not be conducted by deputies' supervisors.

Implemented

Under the revamped investigative system, if the Unit Commander determines that a use of force may have violated Department policy or involved misconduct, the

Administrative Investigation of a Category 1 Force Incident (no injury) are conducted by the Compliance Lieutenants who will not be supervising any of the deputies;

Administrative Investigation of a Category 2 Force Incident (involving injuries to inmates) in Custody Operations are conducted by IAB; and all Category 3 Force Incidents throughout the Department are investigated by IAB.

The OIG or IMPAAC should meet with the Compliance Lieutenants and confirm that they are conducting Administrative investigations, of Category 1 Force Incidents.

7.10. Captains should not reduce charges or hold penalties in abeyance for use of force, dishonesty, or failure to report force incidents.

Implemented

The Department's disciplinary guidelines effective February 17, 2013, require suspension days (that is, suspension without pay), and preclude Education Based Discipline (that is, holding suspension days in abeyance), for dishonesty, excessive use of force, or failure to report force. The Department implemented a new management protocol effective September 1, 2013, that requires captains hearing employee grievances to consult with senior Department officials and OIR and articulate a factual and legal basis prior to modifying any findings and/or recommended discipline for dishonesty, excessive force, or failure to report force.

The OIG or IMPAAC should audit the Department's disciplinary records to verify that the Department is adhering to the enhanced discipline guidelines and that modifications of discipline are in accordance with the management protocol..

7.11. The Department should vigorously investigate and discipline off-duty misconduct.

Implemented

The Department has provided me with a report of the results of investigations and the discipline imposed for off-duty misconduct from the beginning of the second quarter of 2011 through the end of the fourth quarter of 2013, which confirms that this recommendation has been implemented.

The OIG or IMPAAC should audit the Department's disciplinary records to verify that the Department is continuing to vigorously investigate and discipline off-duty misconduct.

7.12. The Department should implement an enhanced and comprehensive system to track force reviews and investigations.

Implemented

The Department has demonstrated that the Electronic Line Operations Tracking System (e-LOTS) is a comprehensive system that can be used to track force reviews and investigations. It has now implemented a policy that requires all custody facilities to use e-LOTS to track Use of Force packages. Each Unit Commander is required to “ensure that all necessary information about each force incident [is] entered into e-LOTS prior to the end of the shift in which the incident occurred,” and the Unit Commander or Operations Lieutenant is required to track in e-LOTS on a weekly basis all force reviews and contact the appropriate supervisor “if the preparation or review of the Force Package is overdue.” Eventually, e-LOTS will be replaced by CARTS, which will be used to track force reviews and investigations.

7.13. Inmate Complaints should be tracked by deputies' names in PPI.

Implemented

The Department is now able to track inmate grievances by staff names in PPI.

(See Recommendation 3.9.)

7.14. The inmate grievance process should be improved and include added checks and oversight.

Partially Implemented

The Department is working to enhance the inmate grievance process, including a system for inmates to submit grievances on iPads and for tracking electronically the Department's handling of the grievances. Sheriff Scott has acknowledged that the Department needs to "tighten up" the complaint process with "greater engagement by captains and above" to make sure that complaints are dealt with timely. The Department is reviewing the entire process by which complaints are taken and handled by the Department for the purpose of making recommendations to review the process, which may include centralizing the in-take of the grievances and the monitoring the Department's handling of the grievances.

The Department is planning to input inmate requests and grievances into the CARTS database from which it will be able to obtain more reliable data and reports about the requests and grievances. The CARTS deployment began at the North facility on November 5, 2013. The complaint module has been installed at all Custody facilities, and the "system is now operational and system acceptance has been accomplished."

The Department has amended its policies to require Unit Commanders to review all personnel complaints of retaliation, which are forwarded to Custody Operations

headquarters, reviewed by a commander at the direction of the Chief of the Division, and forwarded to the appropriate unit to handle.

The Department has appointed an Inmate Grievance Coordinator at the rank of lieutenant who will oversee the Department's handling of inmate complaints. The Coordinator reviews monthly reports of inmate complaints and service requests within the Custody Services Divisions, but he does not appear to be conducting any analyses of the nature or extent of inmate grievances or the department's handling of the grievances. In addition, the Coordinator is supposed to review the inmate grievances that are now going to be recorded in the PPI database and also a pilot of the inmate grievance module in CARTS that began at the North Facility on November 5, 2013. The Unit Commanders will respond to any findings of irregularities and the Coordinator will report his or her findings to the Division's Risk Management Lieutenant and senior management. The Department also intends to audit the inmate grievance system twice a year by Custody Division Commanders and once a year as part of the Command Inspections.

The pilot program that provides inmates in trustee dorms in MCJ and CRDF with access to iPad kiosks to submit their requests for service and personnel complaints to the Department electronically was launched on February 4, 2014, and was scheduled to run through May 2014. The Department reports that it "has been well received by the inmates in the pilot housing locations," and there have been some "enhancements to address lessons learned during the initial weeks of deployment." If the pilot program is successful and funding is available for network upgrades, subject to procurement timeline constraints and the availability of facility resources for electrical installations, the

Department intends to implement the system Division-wide possibly within 14 months after completion of the pilot program.

7.15. The use of lapel cameras as an investigative tool should be broadened.

In progress (Alternative Implementation)

In response to the recommendation of the Board of Supervisors, and also the Commission's encouragement, the Department "conducted a test and evaluation of representative forms of PVRDs ["Personal Video Recording Devices"] within MCJ and TTCF in order to assess the feasibility of implementing a larger scale deployment of PVRD technology at LASD." The Department's report "recommends a deployment of PVRDs exclusively at Men's Central Jail due to its prominence, historically higher liability operation, hazardous inmate classifications and overall impact such a deployment would have on the entirety of the Department." Taking into consideration the considerable potential costs, the Department's report recommended an initial deployment that is "manageable in size, scalable in scope and should necessitate a minimal need for additional infrastructure upgrades." Ultimately, the Department believes that the funds for lapel cameras would be better spent on additional fixed cameras in the jails.

The Department submitted to the CEO a request for funding for additional fixed CCTV cameras to "enhance[] the system at MCJ, TTCF, and IRC, as well as to expand it to all of the other custody facilities." This proposal was essentially in lieu of additional lapel cameras. The Consultants believe that "[e]xpanded placement of CCTV cameras is needed, irrespective of any future decision to equip Deputies with PVRDs" and "there is

a definite need for more cameras with better resolution to improve coverage and the quality of video recordings.”

On October 8, 2013, the Board approved \$4,965,395 in funding for the additional fixed cameras that will be installed in the jails in Phase I of the Department’s Proposed Implementation Budget Timeframe. Assuming the Department is able to upgrade the network system to handle the additional cameras, the Department’s timeline for the installation of the additional cameras in Phase I remains the same and is as follows:

Facility	Number of cameras ⁹	Installation Completed	Network Online and operational
MCJ	238	August 2014	December 2014
TTCF	96	November 2014	December 2014
IRC	20	December 2014	December 2014
CRDF	491	December 2015	December 2015

In addition, in lieu of PVRDs, the Department intends to direct supervisors to equip themselves with handheld cameras when they respond to a force incident and capture as much of the incident on video and audio tape as possible.

CHAPTER 8: OVERSIGHT

⁹ The number of cameras for each facility, and in particular CRDF, may change as the Department determines the specific camera placements.

8.2. The Department should report regularly to the Board of Supervisors on use of force and the status of Custody recommendations.

Implemented

Since the formation of the Commander Management Task Force in October 2011, the Sheriff and/or the Assistant Sheriff for Custody Operations have regularly reported to the Board on force incidents in the jails and the implementation of the Commission's recommendations.

CONCLUSION

The Department has been fully cooperative with my efforts to monitor its implementation of the Commission's recommendations and it has implemented the vast majority of the recommendations. Since my last report, the Department has continued to implement fully most of the remaining recommendations for additional supervisors, additional internal investigators, a Custody Training & Standards Bureau, an internal audit command, and an upgraded computer system. As I have noted before, full implementation will depend upon the approval of funding by the Board for these items in the next two fiscal years. Going forward, it will be incumbent upon the OIG to monitor the Department's implementation of the remaining recommendations and continuing adherence to recommendations it has already implemented.